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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,407	07/22/1999	MANABU OHGA	862.2934	1536

5514 7590 06/26/2003

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[REDACTED] EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/26/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/358,407	Applicant(s) OHGA, MANABU
Examiner	Art Unit	
Wesner Sajous	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 June 2003 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-6 and 8-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6, and 8-14 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152) .  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ . 6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### **Remark**

This communication is responsive to the amendment dated 5/22/2003 and the "Request for a Continued Examination" RCE dated 6/4/2003. Claims 1-6, and 8-14 are presented for examination. Claims 7 and 15 are canceled.

### ***Response to Amendments/Arguments/***

1. Applicant's arguments and amendment appear to obviate the 112 rejections set forth in the previous office action. Accordingly, these rejections are now withdrawn.
2. Regarding the Oath of Declaration, acknowledgement is made of a copy of the Declaration, however such a copy was not executed or signed by the inventor. Evidence of a signed Declaration is required before this application can be passed for issue.

All other arguments with respect to the prior art rejections of claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, and 8-13 are rejected under 35 U.S.C. 102 (b) as being anticipated by, or in the alternative under 35 U.S.C. 103(a) as being unpatentable over Katoh (5,754,682).

Considering claim 1, Katoh, figs. 11 and 12, discloses an image processing method (102) for performing color process based on color appearance model, said method comprises the steps of inputting (e.g., *via CRT 3 of the transmitting side, see fig. 11*) location information (e.g., *optical environment parameters specifying luminance of ambient light to observe the picture handled by the output device, see abstract*) which relates to a viewing space between a viewing subject in a data source side (e.g., *the transmission side or CRT 3*) and a viewing subject in a data destination side (e.g., *the receiving side or Printer 4*. See col. 17, lines 42-59). Katoh discloses setting a parameter of viewing condition based on the inputted location information (as performed by item 50 of fig. 11, see also fig. 12 and col. 18, line 38 to col. 19, line 16); and performing the color process based on the color appearance model of the inputted location information (as performed by the functions of devices 14 and 15 of fig. 11).

The applicant should duly note that, in analyzing the embodiment of Katoh, the inputted location information and the viewing condition parameters are both correlated to the optical environment parameters. A parameter with respect to viewing condition is set when the user alternatively selects or enters a [new] parameter that is associated with the environment parameters of the picture processing system on the screen, as characterized by the suggestion at col. 19, lines 1-16.

Re claim 2, the claimed "parameter includes a chromatic adaptability condition (114) based on the inputted location information" is met by fig. 12, wherein the chromatic adaptability condition corresponds with the set luminance level of the ambient light as depicted in fig. 12. See cols. 17-18, lines 60-7.

In claim 3, Katoh, at fig. 12, discloses the step of inputting plural items of viewing information (e.g., light source, surround luminance and monitor luminance), which relate to a viewing condition of the data source side (e.g., CRT 3 of fig. 11) and a viewing condition of the data destination side (e.g., printer 4 of fig. 11).

In claim 4, Katoh discloses the color process comprises color matching processing on profiles (26/28) of the data source side and the data destination side. See col. 3, line 59 to col. 4, line 10.

The invention of claim 5, although slightly different, recites features equivalent to and performing the method of claim. As the various elements of claim 1 have been found to be met by the teaching of Katoh, it is apparent that the applied prior art teaches the underlying elements. As such, the method of claim 5 is rejected under the same rationale as claim 1, for in a Katoh, a user operator is manually inputting the parameters. See col. 18, lines 36-42.

Apparatuses claims 8-11 recite features equivalent to and performing the same functions as method claims 1-4, respectively, they are, therefore, subjected to rejections for the same rationale set forth for method claims 1-4.

Claim 12 is for a computer program product performing the method of claim 1; it is, therefore, similarly rejected.

Claim 13 recite features equivalent to claim 5, it is, therefore, rejected under the same rationale as claim 5.

5. Claims 6, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh in view of Fisch et al. (Fisch), Pat. No. 5598272 and further in view of Usami (6341175).

Regarding claim 6, Katoh discloses most claimed features of the invention, as similarly recited above in rejected claim 1, however Katoh fails to disclose the step of adjusting balance and absolute intensity of chromatic adaptability.

Fisch teaches the step of adjusting balance and absolute intensity of chromatic adaptability. See col. 2, lines 47-60. Thus, the ordinary skilled in the art at the time the invention was made would have found it obvious to modify Katoh the adjustment of color balance and the absolute intensity adjustments, as taught by Fisch, in order to allow a user to visually calibrate the color images on the display device. For the teaching of Fisch is complimentary to the teachings of Katoh, and the combination of the two would not have departed from the scope of the invention without undue experimentation.

It is noted that the combination of Katoh and Fisch fails to teach the forward and inverse conversions of colors.

Usami teaches the forward and inverse conversions of colors. See fig. 1 and col. 3, lines 59-67.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Katoh and Fisch to include the forward and inverse conversions of colors, as taught by Usami, in order to convert color data very easily between sets of device data under different output conditions to obtain desired colors. See Usami's col. 1, lines 57-60.

Claim 14 is a computer program product performing the method of claim 6; it is, therefore, rejected under the same rationale set forth for claim 6.

### Conclusion

**Any response to this action should be mailed to :**

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**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

(703) 308-5359 for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays between 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

*Wesner Sajous - WPS*

6/20/03

*Matthew C. Bella*

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